



TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
ENVIRONMENTAL FIELD OFFICE

1421 Hampshire Pike  
COLUMBIA, TENNESSEE 38401

PHONE (931) 380-3371    STATEWIDE 1-888-891-8332    FAX (931) 380-3397

September 16, 2011

Mr. Victor Lay  
City of Spring Hill  
P.O. Box 789  
199 Town Center Parkway  
Spring Hill, TN 37174

**Re: Cherry Grove Phase 4**  
MS4 – City of Spring Hill  
NPDES Permit Number TNS080055  
Williamson & Maury Counties

Dear Mr. Lay:

Our office has received multiple complaints regarding work taking place at the above referenced site. On September 1, 2011, Cody Chapman and I met with Mr. Steven Warf at the site to discuss the complaint and inspect the site. The majority of the complaints were regarding the removal of the buffer zone along the unnamed tributary to West Fork Aenon Creek. While the latest Tennessee Construction General Permit (TNCGP) issued May 23, 2011, does require construction sites to maintain buffer zones along streams, Cherry Grove Phase 4 was issued permit coverage prior to the latest permit making them exempt from the requirement. Through discussions with Mr. Warf, it appeared that the site was also exempt from the MS4's buffer requirements based on when the plans were approved.

During the inspection, however, earth moving construction activities were taking place and no erosion prevention sediment control devices were observed. We discussed the site's need for EPSC devices with Mr. Warf and how the site in that condition had the potential for sediment to be transported off site during the next rain event. We allowed the MS4 program to handle the issue.

On September 12, 2011, Cody Chapman and I performed a follow up inspection of the site following recent rains. Our findings during the inspection are documented in the enclosed Notice of Violation addressed to the developer. This letter is to inform you of the ongoing issues at the above referenced site and to remind you of requirements the MS4 program places on the city concerning the regulation of construction activities. I am hopeful that in future instances the city will address such situations appropriately prior to our involvement. If you have any further questions concerning either our inspection or this report, please feel free to contact me at (931) 560-1303.

Sincerely,



Scott Howell  
Environmental Specialist  
Division of Water Pollution Control

Enclosure

cc: File



**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
ENVIRONMENTAL FIELD OFFICE**

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September 16, 2011

**CERTIFIED MAIL**  
**91 7199 9991 7030 6407 5808**

Mr. Donnie Cameron  
Cameron Properties  
1900 Columbia Ave.

Franklin, TN 37064

**Re: NOTICE OF VIOLATION**

Cherry Grove - Phase 4  
TNCGP Tracking No. TNR145340  
ARAP Tracking No. NR0704.058  
Williamson County

Dear Mr. Cameron:

On September 12, 2011, Cody Chapman and I performed a follow-up inspection of the above referenced site. The purpose of the inspection was to determine the site's compliance with the terms and conditions of the Tennessee Construction General Permit (TNCGP) number TNR145340. Prior to the follow-up inspection, our office had received complaints regarding the site and met with City of Spring Hill MS4 personnel at the site. At the time of that initial inspection, on September 1, 2011, no erosion prevention sediment control devices were observed at the site despite active construction taking place.

During the follow up inspection on September 12<sup>th</sup>, sediment was observed in the street at the corner of Stewart Campbell Pointe and Brisbane Drive. Recent rains had transported sediment to the storm drain inlets which discharge to an unnamed tributary of West Fork Aenon Creek. The inlet protection was unmaintained and failing. The majority of the sediment appeared to be coming from where Stewart Campbell Pointe dead ends and from current house construction taking place at the eastern end of Brisbane Drive. An onsite worker indicated that equipment hauling dirt from a stockpile was the likely source of the sediment in the road at the end of Stewart Campbell Pointe. No construction entrance/exit was observed where trucks entered the paved street.

Additionally, it was observed that the storm water outfalls entering the tributary were not in compliance with the Aquatic Resource Alteration Permit (ARAP) (NR0704.058). The channels cut from the storm drain headwalls to the unnamed tributary of West Fork Aenon Creek exhibit vertical, unstable banks. The rock used in the bottom of the drainages is undersized and is likely to be transported into the stream during heavy rains. Additionally, the outlets of several of the outfalls discharge at a higher elevation than the stream channel leaving the potential for head cutting and severe erosion.



Failure to comply with your TNGCP and ARAP permits is a violation of the *Tennessee Water Quality Control Act*. T.C.A. §69-3-108 states, in part:

**69-3-108. Permits. – (b)** It is unlawful for any person, other than a person who discharges into a publicly owned treatment works or a person who is a domestic discharger into a privately owned treatment works, to carry out any of the following activities, except in accordance with the conditions of a valid permit:

(1) The alteration of the physical, chemical, radiological, biological, or bacteriological properties of any waters of the state.

This letter will serve as a formal Notice of Violation and by copy will inform our Enforcement and Compliance Section of the violations. Violations of the *Act* may subject you to civil penalties for each day the violation occurs or continues. In order to come into compliance with the *Act*, you must take the following actions:

**Required Actions to be conducted immediately:**

- Remove sediment from the paved streets and install properly functioning inlet protection.
- Install a proper construction entrance anywhere equipment is entering/exiting the unstable portion of the site onto a paved surface.
- Install proper erosion prevention and sediment control devices to ensure sediment is retained on site in all areas where active construction is taking place including current home construction
- Address all deficiencies in the storm water outfalls to achieve compliance with the subject ARAP. Outfalls must be constructed in a manner which will not cause permanent alteration or damage to the stream channel. All channels must be properly stabilized.

If the current homes under construction are on lots no longer owned by you, the current homeowner/ builder needs to obtain coverage under the TNGCP. We appreciate your attention to this permit and its requirements. If you have any questions regarding the TNGCP and ARAP permits, the inspection, or the required action, please feel free to contact me at (931) 560-1303.

Sincerely,



Scott Howell  
Environmental Specialist  
Division of Water Pollution Control

Enclosures

cc: DWPC, Enforcement and Compliance Section, Nashville Central Office  
Spring Hill MS4 Program  
File



**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

Division of Water Pollution Control

6<sup>th</sup> Floor Annex, L&C Tower, 401 Church Street, Nashville, Tennessee 37243

1-888-891-8332 (TDEC)

**Compliance Inspection for General NPDES Permit for Stormwater Discharges from Construction Activities (CGP)**

<b>Site/Project Name:</b> Cherry Grove - Phase 4		<b>NPDES Tracking Number:</b> TNR145340	
<b>Street Address or Location:</b> Buckner Lane		<b>Start date:</b>	
<b>Site Description:</b> Construction of phase 4 of a residential subdivision		<b>Estimated end date:</b>	
<b>County(ies):</b> Williamson		<b>Latitude (dd.dddd):</b> 35.7715	
<b>EFO:</b> Nashville		<b>Longitude (-dd.dddd):</b> -86.8860	
<b>MS4 Jurisdiction:</b>		<b>Acres Disturbed:</b> 24.25	
		<b>Total Acres:</b>	

**Name of Permittee (Developer/Operator):** Cameron Properties**Name of Official Contact:** Donnie Cameron**Email:****Contact Phone:** 615-351-1814**Address:** 1900 Columbia Ave.**City:** Franklin**State:** TN**Zip:** 37064

Check List (office & field checks)		Yes	No	Comments
1	Does the site have CGP coverage?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2	Is NOC posted on site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3	Have the site contractors signed the NOI?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4	Is the current SWPPP available for review?	<input type="checkbox"/>	<input type="checkbox"/>	
5	Are EPSCs in accordance with SWPPP?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6	Are EPSCs installed properly and functional?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7	Are inspection reports available on site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8	Is the proper buffer zone maintained?	<input type="checkbox"/>	<input type="checkbox"/>	
9	Inactive areas stabilized in 15 days? (7 days for steep slopes?)	<input type="checkbox"/>	<input type="checkbox"/>	
10	Are more than 50 acres disturbed at one time?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11	Has sediment discharged off site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12	Has sediment discharged into waters of the State?	<input type="checkbox"/>	<input type="checkbox"/>	
13	Are there unauthorized alterations to waters of the State?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
14	Are there violations of an existing ARAP? If so, ARAP No.?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
15	Other pollutants/discharges or unusual problems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**General Comments:** sediment was in the street at the corner of Stewart Campbell Pointe and Brisbane Drive. It appears recent rains have transported the sediment to the storm drain inlets. The inlet protection is unmaintained and failing. An onsite worker indicated that equipment hauling dirt from a stockpile was the likely source of the sediment in the road at the end of Stewart Campbell Pointe. No construction entrance/exit is in place where trucks entered the paved street. Sediment is also coming from current home construction at the eastern end of Brisbane Drive.

<b>Routine</b> <input checked="" type="checkbox"/>	<b>Complaint</b> <input type="checkbox"/>	<b>Follow Up</b> <input type="checkbox"/>	<b>Termination</b> <input type="checkbox"/>
<b>On-Site Contact (if available)</b>			
<b>On-Site Contact Name (Print):</b>	<b>On-Site Contact Title:</b>	<b>Signature:</b>	<b>Date:</b>
<b>TDEC Personnel/Information</b>		<b>EFO: Name and Address</b>	
<b>Inspector's Name (Print):</b> Scott Howell	<b>Signature:</b> 	<b>Date:</b> 9/12/2011	<b>711 R.S. Gass Boulevard</b>
		<b>Time:</b> 1000	<b>Nashville, TN 37243</b>





View of sediment in the street at the intersection of  
Stewart Campbell Pointe and Brisbane Drive.



View of sediment entering the storm drain on Stewart  
Campbell Pointe.





View of lot clearing with no EPSC Devices and sediment being tracked into the street.



View of stormwater outfall channel with vertical unstable banks.